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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION
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20 In Re WAL-MART STORES, INC. WAGE
AND HOUR LITIGATION

Case No. C 06-02069 SBA

**STIPULATION AND ~~PROPOSED~~
ORDER RE CONTINUANCE OF
TRIAL SCHEDULE**

22 This Document Relates to:

23 Case Nos.
24 C 06-02069 SBA (Smith) and
25 C 06-05411 SBA (Ballard)
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STIPULATION

WHEREAS, this action commenced as two separately-filed actions, *Smith et al. v. Wal-Mart Stores, Inc.* (C 06-02069 SBA) and *Ballard et al. v. Wal-Mart Stores, Inc.* C 06-05411 SBA;

WHEREAS on September 15, 2006, the Court entered an Order For Pretrial Preparation scheduling a trial in the *Smith* matter February 2, 2008;

WHEREAS, the Court did not issue a separate pretrial order in the *Ballard* case;

WHEREAS, the Court ordered the two cases *Smith* and *Ballard* consolidated by Order entered 01/09/2007;

WHEREAS, Defendant has not yet answered the First Amended Consolidated Complaint in this consolidated case, and the Parties and the Court continue to address matters going to the Pleadings;

WHEREAS, Plaintiffs have requested continuance of the currently scheduled trial date and other dates set forth in the Pretrial Order;

WHEREAS, in agreeing to continue the trial date, Defendant has requested that Plaintiffs adhere to a deadline for the filing of any motion for class certification in this case, together with a set briefing schedule;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following and ask that the Court approve this stipulation as an Order of the Court:

1. The Order For Pretrial Preparation entered September 15, 2006, should be VACATED and the Order for Pretrial Preparation attached as Exhibit A to this Stipulation should be entered;

2. Any motion asking that this action be certified to proceed as a class action must be filed **on or before October 2, 2007**; provided, however, Plaintiffs reserve the right to ask the Court to extend the deadline based upon a showing of good cause.

3. With respect to any such motion to certify a class, the briefing parameters set forth in Civil Local Rule 7 pertaining to motions, are modified as follows:

a. Civil Local Rule 7-2(a) is modified so that any motion must be

1 filed, served and noticed **not less than 56 days** prior to the hearing;

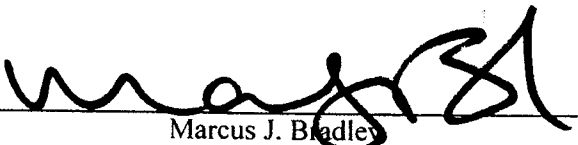
2 b. Civil Local Rule 7-3(a) is modified so that any Opposition papers
3 must be filed **not later than 28 days** prior to the hearing;

4 c. Civil Local Rules 7-2(b) and 7-3(a) are modified to provide both
5 sides an additional 10 pages of briefing per side for opening and opposition briefs,

6 d. Civil Local Rules 7-3(c) and 7-4(b) are modified to provide 5
7 additional pages for any reply papers.

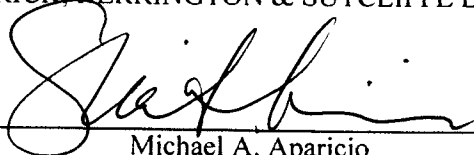
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9 Dated: June 22 2007

MARLIN & SALTZMAN
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LAW OFFICES OF PETER M. HART

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14 Marcus J. Bradley
15 Attorneys for Plaintiffs

16 Dated: June 22, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

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19 Michael A. Aparicio
20 Attorneys for Defendant
21 WAL-MART STORES, INC.

22 **ORDER**

23 Pursuant to Stipulation, it is so ordered.

24 Dated: June 26 2007

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28 SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE